



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.02.2016

CORAM :

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) No.2809 of 2016
and
W.M.P (MD) No.2486 of 2016

R.Muthu

... Petitioner

Vs.

1.The District Collector,
Ramnad,
Ramnad District.

2.The District Aathithraavidar Tribal
Welfare Officer, Ramnad,
Ramnad District.

3.The District Employment Officer
Ramnad,
Ramnad District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to sponsor petitioner's name registered with him vide Registration No.RPD2014M00013017 dated 30.06.1989 to the 1st and 2nd respondents so as to enable them to issue an interview call letter to the petitioner for the interview which is scheduled to be taken place on 10.02.2016 in connection with the recruitment process of filling up the vacancies to the post of Sanitary Worker in Athithraavidar Tribal Welfare Department.

For Petitioner : Mr.R.Anand
For Respondents : Mr.S.Satheeshkumar,
Additional Government Pleader.

ORDER

Aggrieved by the non consideration of the name for the post of Sanitary Worker in the Adidraavidar Tribal Welfare Department, the petitioner has come up with the above writ petition.

2.Heard the learned counsel appearing for the petitioner and Mr.S.Satheeshkumar, learned Additional Government Pleader, who takes notice on behalf of the respondents.



3.The petitioner had enrolled himself with the office of the Employment Exchange, Ramanathapuram on 30.06.1989 and has been renewing the same periodically. The petitioner has been employed as a Sanitary Worker, in Government Adidravidar Hostel, Ramanathapuram for about nine years. Since there was a ban on recruitment between 2001-2006 by the State Government, none of the candidates were sponsored for employment during the relevant period. Even after, there were no signs of filling up of vacancies in the category of Cook and Sanitary Worker. While so, on 04.02.2016, the first respondent has given an advertisement notifying that 40 vacancies are going to be filled up in which seven posts would be of Sanitary Worker and the interview for the above said post is scheduled to be held on 10.02.2016. The petitioner had applied for the same but the same was rejected by the respondents on the ground that the petitioner is above the age prescribed. Hence, the petitioner has come up with the above writ petition.

4.The contention of the petitioner is that he has been working as Sanitary Worker only with the fond hope of getting appointment and aging is not his fault as there was no recruitment even after the ban period between 2001 to 2006. In such circumstances, the petitioner has approached the respondents for getting permanence in his employment.

5.In the above factual matrix, this Court can only direct the respondents to consider the case of the petitioner sympathetically as aging is not his fault and the recruitment admittedly had not happened after 2006. The respondents are therefore directed to consider his case as a special one only with respect to the age relaxation and if he is otherwise qualifying with other norms prescribed, he may be considered for the said post. The respondents are also directed to permit the petitioner to appear for the interview which is scheduled to be held on 10.02.2016 even without a call letter.

6.The writ petition is accordingly disposed of. No costs. Consequently, W.M.P(MD)No.2486 of 2016 is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.



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Ramnad District.

2.The District Aathithravidar Tribal
Welfare Officer, Ramnad,
Ramnad District.

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+1 cc to Mr.R.Anand, Advocate, SR No.7786

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RG.NGM-SS/SAR-I 09.02.2016 3P.5C